

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

AMERICAN ENVIRONMENTAL	:	
ENTERPRISES, INC., d/b/a	:	
THESAFETYHOUSE.COM	:	
	:	CIVIL ACTION
Plaintiff,	:	
	:	No. 2022-cv-00688 (JMY)
v.	:	
MANFRED STERNBERG, ESQUIRE,	:	
and MANFRED STERNBERG &	:	
ASSOCIATES, PC, and CHARLTON	:	
HOLDINGS GROUP, LLC, and	:	
SAMUEL GROSS a/k/a SHLOMO	:	
GROSS, and GARY WEISS,	:	
and ASOLARDIAMOND, LLC a/k/a,	:	
ASOLAR. LLC, and DAPHNA	:	
ZEKARIA, ESQUIRE, and SOKOLSKI	:	
& ZEKARIA, P.C.	:	
	:	
Defendants.	:	

PLAINTIFF'S RULE 56 MOTION
AND RULE 55 MOTION
AND
MOTION TO BAR EXPERTS
AND ACCOMPANYING EXHIBITS

LIGHTMAN & MANOCHI

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Date: September 30, 2024

EXHIBITS RELATING TO RULE 56/55 MOTION

<u>EXHIBIT</u>	<u>DESCRIPTION</u>
P-1	Plaintiff's 6/17/24 Requests for Admission served on each defendant
RFA-1	2/15/22 text from Gross to Plaintiff, (accompanying Plaintiff's Requests for Admission)
RFA-2	2/15/22 text from Gross to Plaintiff (also accompanying Plaintiff's Requests for Admission)
RFA-3	2/15/22 text from Gross to Plaintiff (also accompanying Plaintiff's Requests for Admission)
RFA-4	2/15/22 text from Gross to Plaintiff (also accompanying Plaintiff's Requests for Admission)
RFA-5	Picture taken by Weiss of boxes in a truck (also accompanying Plaintiff's Requests for Admission)
P-2	1/21/22 Purchase Order of Plaintiff for the 151,200 test kits with a "Deliver by " date of January 25, 2022 [exhibit 1 to Amended Complaint, ECF 80, at pages 36-43 of the 56 page pdf][also marked as Sternberg Deposition Exhibit 14 at the Sternberg deposition]
P-3	Sale and Purchase Agreement ("SPA") drafted by Sternberg that was used for the Plaintiff's Purchase Order [also Exhibit 1 to First Amended Complaint, ECF 80]
P-4	The 3/24/22 email that Sternberg sent to Gross, which was marked as Sternberg Deposition Exhibit 5 at the Sternberg deposition
P-5	The 1/21/22 Bill of Sale that was sent to TSH by Gross in this case, that also was marked as Sternberg-20 at the Sternberg Deposition
P-5a	The same 1/21/22 Bill of Sale that was used by the Sternberg Defendants and the Gross Defendants in this case, and that was attached as Exhibit D to their Motion to Dismiss made by Sternberg and Gross in this case on April 1, 2022 [ECF 13-4, page 9 of 10]
P-6	Copies of the document evidencing VRC's wire transfers totaling \$2,449,440.00 into the Sternberg attorney trust account on January 19-20, 2022
P-7	The page from Sternberg's Answer to Plaintiff's Interrogatory No. 23, setting forth the wire transfers totaling \$2,571,200.00 made from the Sternberg attorney trust account, also marked as Sternberg-19 at the Sternberg Deposition

- P-8 Sternberg Deposition Exhibit 21, a copy of a text authored by Gross on September 20, 2023, in which he states an “end balance [of] \$1,876,003.89 (one million eight hundred seventy six)”
- P-9 A copy of the 2/6/22 Mask & Eldiven document that was marked as Weiss Deposition Exhibit 5 at the Weiss deposition
- P-10 A copy of 1/26/22 invoice sent by Weiss to Gross, which was marked as Weiss Deposition Exhibit 6, at the Weiss deposition, and that also was attached as Exhibit “B” to the April 24, 2022 letter authored by Sternberg and submitted to the Office of the Chief Disciplinary Counsel for the State Bar of Texas
- P-11 A copy of the email that Weiss sent to his attorney on July 19, 2023, which 7/19/23 email was marked as Weiss Deposition Exhibit 9 at the Weiss deposition
- P-12 A copy of Sternberg Deposition Exhibit 9, marked at the Sternberg deposition, which is an accurate transcription of the texts that Gross wrote to Plaintiff, on or about February 15, 2022, in which Gross stated that Plaintiff could cancel the purchase and obtain a refund of the Purchase Price
- P-13 A copy of Sternberg Deposition Exhibit 10, marked at the Sternberg deposition, in which Sternberg informs Plaintiff’s counsel on February 15, 2022, that “I [Sternberg] am told the product will be arriving tomorrow at the location provided by your client [TSH]. Let me know when your client is in possession of his product.”
- P-14 A copy of Plaintiff’s 2/16/22 letter that was emailed to and received by Gross and Sternberg was marked as Sternberg Deposition Exhibit 12 at the Sternberg deposition
- P-15 A copy of Plaintiff’s 2/16/22 email that was sent to and received by Gross and Sternberg, canceling the purchase and demanding a full refund, that also was marked as Sternberg Deposition Exhibit 13 at the Sternberg deposition
- P-16 A copy of the February 15, 2022, email sent by Plaintiff’s counsel to Sternberg, notifying Sternberg not to make any further disbursements from Sternberg’s attorney trust account, that also was marked as Sternberg Deposition Exhibit 11 at the Sternberg deposition
- P-17 A copy of the document marked as Sternberg Deposition Exhibit 32 at the Sternberg deposition, which is a true and correct copy of a text sent by Sternberg to Gross, shortly after February 25, 2022, in which Sternberg tells Weiss (emphasis added), **“That [referring to Weiss’s claim that he needed another \$190,000 in order to deliver the Test Kits] is classic fraud in the inducement and can only be cured by delivery or return of all money.”**

- P-18 A copy of the Answer filed by Weiss to Plaintiff's First Amended Complaint that Weiss filed under oath on September 12, 2023 [ECF 105], subject to the penalties for perjury, also marked as Deposition Exhibit GW-7 at the 2/16/24 Gary Weiss Deposition
- P-19 The 2/16/24 deposition transcript for the deposition of Gary Weiss conducted on 2/16/24, in which Weiss now claimed that all of the 365,790 the Test Kits all had been replaced with rice, and in which Weiss admitted that he did not contact the police or make a police report about the missing Test Kits being replaced with rice, and in which Weiss also admitted that he did not confront or sue AMS about the alleged Test Kits being replaced with rice, and in which Weiss also admitted that he did not notify Gross or Sternberg about the alleged Test Kits being replaced with rice, and in which Weiss admitted that he did not take any pictures of the Test Kit boxes being replaced with rice, or otherwise create any documents to evidence this claim.
- P-20 The May 31, 2022, email that Gross wrote to Sternberg in which Gross stated that Sternberg still had \$400,000 or so left of the funds transferred to Sternberg, that also was marked as Sternberg Deposition Exhibit 23 at the Sternberg deposition
- P-21 A copy of the 3/1/22 email from Berman to Zekaria, that was part of the document marked as Sternberg Deposition Exhibit 38 at the Sternberg deposition
- P-22 A copy of the email dated March 1, 2022, from Weiss to Sternberg and Gross, also marked as Sternberg Deposition Exhibit 29 at the Sternberg deposition
- P-23a-g Copies of the documents marked as Sternberg Deposition Exhibits 28, 29, 30, 31, 33, 34, and 35 at the Sternberg deposition, which are copies of texts from Weiss and Gross and other documents from them, that memorialize that it was Sternberg who wanted Weiss to give collateral (diamonds and gemstones) instead of returning the money that Sternberg wired to Weiss and Zekaria
- P-24 Email dated March 13, 2022, from Randolph ("Randy") Adler, Esquire (counsel for VRC) to Sternberg, a copy of which was marked as Weiss Deposition Exhibit 12 at the Weiss deposition, memorializing that *Sternberg* offered to liquidate the collateral that Weiss gave to Gross and/or Sternberg, and pay the proceeds to VRC, in the event that Gross and Sternberg failed to deliver to VRC the Test Kits that VRC purchased from Gross and/or Sternberg
- P-25 Randy Adler's (attorneys for VRC) letter to Sternberg dated February 23, 2022, a copy of which was marked as Sternberg Deposition Exhibit 37 at the Sternberg deposition, in which they accused Gross of failing to deliver the 204,120 Test Kits that VRC purchased, and in which Mr. Adler also instructed Sternberg not to disburse any portion of the \$2,449,440 that VRC wired to Sternberg to hold in trust, that Sternberg was required to hold in trust "until the transaction is complete..."

- P-26 The Complaint that VRC filed against Gross and Sternberg, which also was marked as Sternberg Deposition Exhibit 39 at the Sternberg deposition
- P-27 The February 8, 2022, email from Sternberg, in which Sternberg misrepresented to Plaintiff that the Covid Test Kits were en route and would be delivered to Plaintiff by no later than February 17, 2022 (when in fact they were not with a common carrier or otherwise being shipped to Plaintiff)
- P-28 Copies of the requests made by Plaintiff on numerous occasions prior to filing suit, for Defendants to provide Plaintiff with a Bill of Lading and other shipping documents to show Seller had delivered the Covid Test Kits to a common carrier for delivery to Plaintiff, which requests also were attached as Exhibit 4 to Plaintiff's Amended Complaint
- P-29 A copy of the document marked as Weiss Deposition Exhibit 13, which is a text from Zekaria to Gross
- P-30 A copy of the document marked as Weiss Deposition Exhibit 14, which is a text from Zekaria to Gross
- P-31 A copy of the document marked as Zekaria-00001 through Zekaria-00004, which is a transcription of WhatsApp text chats between Zekaria and Weiss and Gross from February 4, 2022, through February 28, 2022.
- P-32 A document that was identified as the email dated January 21, 2022, that Dick Gray sent to Sternberg, with the SPA signed by TSH, and a copy of the \$1,965,600 wire to Sternberg.
- P-33 A true and accurate transcription of the text exchanges between Dan Scully and Sam Gross on February 15, 2022 (which texts also were marked as Exhibits RFA-1 through RFA-5 that accompanied plaintiff's Rule 36 Requests for Admission dated and served on each of the defendants on June 17, 2024), and which texts also accompany this Motion as Exhibits RFA-1 through RFA-5.
- P-34 A true and correct copy of a document that was identified by Gary Weiss as the Sternberg Spreadsheet that Sternberg prepared and sent to Sam Gross, that Gross in turn forwarded to Weiss, that shows in excess of \$5.5 million in receipts by Sternberg from the PPE scheme, marked as Deposition Exhibit Weiss-20 at the 7/16/24 Weiss Deposition.
- P-35 A true and correct copy of the lawsuit filed by VRC against the Sternberg Defendants and the Gross Defendants in federal court on 2/6/24, in the case styled VRC Consulting, Inc., d/b/a VRC Medical Services, Inc. v. Manfred Sternberg, Esquire, and Manfred Sternberg & Associates, PC, and Charlton Holdings Group, LLC, and Samuel Gross, USDC, D NJ, Civil No. 3:24-cv-00710.

P-36 Plaintiff's First Amended Complaint [ECF 80]
P-37 2/7/24 Deposition Transcript of the Sternberg Defendants

EXHIBITS RELATING TO MOTION TO BAR EXPERTS

<u>EXHIBIT</u>	<u>DESCRIPTION</u>
P-38	8/11/22 Document Requests propounded upon the Stenberg Defendants by plaintiff
P-39	Sternberg Defendants' Answers to Interrogatories propounded upon the Stenberg Defendants by plaintiff
P-40	8/16/24 Expert Report on liability dated August 16, 2024, authored by Steven E. Angstreich, Esquire (the "Angstreich Report"), of the law firm of Weir Greenblatt Pierce, LLP (the Weir Law Firm"), first produced to plaintiff on 8/16/24
P-41	8/16/24 Expert Report on damages dated August 16, 2024, authored by Joseph W. Lesovitz, CPA, from Citrin Cooperman (the "Lesovitz Report"), first produced to plaintiff on 8/16/24.